

Application No. 09/359,809
Amendment dated October 28, 2004
Response to September 10, 2004 Office communication

REMARKS/ARGUMENTS

The amendments to the claims describe the process and product by process claims using the same format as the claims in parallel Application Serial No. 09/357,957 filed July 21, 1999 also being examined by examiner Toomer.

All claims have been amended to describe the lubricants of the invention as a material for lubricating a surface as set out in the last paragraph on page 68 of the written description. Applicant has also amended the rejected claims to include a material for lubricating a surface comprising a solid or particulate inorganic lubricant optionally with an organic lubricant, or water, or lubricant additive. The written description supports the organic lubricants at pages 6-14 and the paragraph bridging pages 25-26, inorganic lubricants at pages 15-18, water at page 25, first full paragraph, lubricant additives in the claims as originally filed, and mixtures at page 26, second full paragraph inter alia. The amendments to claims 77 and 83 add the inorganic lubricants zinc phosphate, iron phosphate and manganese phosphate, which claim 85 supports.

THE REJECTION UNDER 35 U.S.C. § 103 (a) AND TRAVERSE

The examiner rejects claims 73-75, 78, 79, and 86-91 under 35 U.S.C. § 103(a) as unpatentable over Freeman, United States Patent 5,218,011 in view of Le-Khac, United States Patent 4,616,063. Applicant traverses the rejection and requests further consideration and reexamination.

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The amendments of the rejected claims specify a material for lubricating a surface comprising a solid or particulate inorganic lubricant optionally with an organic lubricant or water, or a lubricant additive, and mixtures thereof. The particulate inorganic lubricant distinguishes Freeman who does not teach a lubricating composition, and importantly does not teach inorganic lubricants. Freeman describes the use of inorganic materials such as silica, clays, including bentonite and hectorite, (col.8, lines 9 et seq.) with "gel matrices" based on petroleum gels, glycols and mineral oils inter alia (col. 7, lines 19 et seq.). Even though the art classifies silica and clays (e.g. bentonite and hectorite), as inorganic materials they have no lubricant properties, but quite the opposite. Industry uses them as abrasives as well as fillers or inerts as does Freeman.

ALLOWED CLAIMS

The examiner has allowed the balance of the claims, claims 76, 77 and 80-85 which applicant has amended as indicated above. These amendments comprise describing the material for decreasing friction as a material for lubricating a surface, and have added, zinc phosphate, iron phosphate, and manganese phosphate to allowed claims 77 and 83, all of which the application supports, as discussed above.

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CONCLUSIONS

Applicant requests the Examiner to withdraw the rejections in view of the foregoing amendments and remarks and pass the application to issue .

Respectfully submitted,

THE LAW OFFICES OF ROBERT J. EICHELBURG

By: /Robert J. Eichelburg, Reg. No. 23,057/

October 21, 2004

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October 21, 2004